

# **EXHIBIT B**

**From:** Christoph Hoppe [<mailto:hoppe@kreuzkamp.com>]

**Sent:** Wednesday, April 30, 2014 11:27 AM

**To:** Crittenden, John

**Subject:** AW: BitTorrent, Inc. v. Bittorrent Marketing GmbH - U.S. District Court, Northern District of California, Joint Case Management Statement

Dear Mr. Crittenden,

thank you for your email regarding the matter BitTorrent, Inc. vs. Bittorrent Marketing GmbH (U.S. District Court, Northern District of California, case # CV 2525), which I received on April 29, 2014 at 6:52 a.m. As you know, I am neither authorized to accept service on behalf of Bit-torrent Marketing GmbH, nor have I been personally served with the Summons and Complaint. Therefore, I will not and cannot appear on behalf of Bittorrent Marketing GmbH, besides the fact that I am not licensed or qualified to practice law in California. If you do represent to the court that I have been personally served as required, it would clearly be a misstatement.

In the future, please refrain from sending me any further communications regarding this matter, as I do not represent Bittorrent Marketing GmbH in these proceedings.

Sincerely,

Christoph Hoppe, LL.M.  
Rechtsanwalt  
Fachanwalt für IT-Recht

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**Von:** Crittenden, John [<mailto:jcrittenden@cooley.com>]

**Gesendet:** Dienstag, 29. April 2014 06:51

**An:** [hoppe@kreuzkamp.com](mailto:hoppe@kreuzkamp.com)

Cc: [office@bittorrent.eu](mailto:office@bittorrent.eu); Oleksiuk, John Paul; Milana, Mercedes

Betreff: BitTorrent, Inc. v. Bittorrent Marketing GmbH – U.S. District Court, Northern District of California, Joint Case Management Statement

Wichtigkeit: Hoch

Dear Mr. Hoppe,

As you are aware, we represent BitTorrent, Inc. in its action in the U.S. District Court for the Northern District of California against your client, BitTorrent Marketing GmbH.

The Court has set a deadline of May 1, 2014 for the parties to submit a Joint Case Management Statement. The Order setting this deadline is available at <http://cand.uscourts.gov/orders/blf-order.pdf>. On the website available at [www.bittorrent.eu](http://www.bittorrent.eu), your client makes reference to the order setting the May 1, 2014 deadline, so there is no doubt that your client is aware of this order.

The local rule governing the Joint Case Management Statement (Local Rule 16-9) is copied below for your reference.

A copy of the Court's template for a Joint Case Management Statement is also attached for your reference. It can be found online on the Court's website at: [http://www.cand.uscourts.gov/filelibrary/179/Joint\\_CMC\\_Statement.docx](http://www.cand.uscourts.gov/filelibrary/179/Joint_CMC_Statement.docx).

I understand that you have informed the Court by letter dated April 9, 2014 that you have received the Complaint by email from us. We are sending this email to the same email address to which we sent the complaint. You also informed the Court in your April 9, 2014 letter that you are not authorized to accept service on behalf of defendant Bittorrent Marketing GmbH. Nevertheless, we write to seek your client's cooperation in the preparation of a joint statement. Please advise whether your client is willing to cooperate in the preparation of a joint statement. If your client wishes to cooperate, please let my colleague John Paul Oleksiuk and me know if you are available for a teleconference to discuss the Joint Case Management Statement and propose a day and time for a teleconference. In the alternative, you may send us any information you wish to include in the Joint Case Management Statement which we would file with the Court.

If we fail to receive a response from you ahead of the deadline, we will proceed and file a separate statement as provided for in Local Rule 16-9.

Please do not hesitate to contact this office with any questions.

Very truly yours,

John Crittenden

## 16-9. Case Management Statement and Proposed Order

1. **(a) Joint or Separate Case Management Statement.** Unless otherwise ordered, no later than the date specified in Fed. R. Civ. P. 26(f), counsel must file a Joint Case Management Statement addressing all of the topics set forth in the Standing Order for All Judges of the Northern District of California – Contents

of Joint Case Management Statement, which can be found on the Court's website located at [cand.uscourts.gov](http://cand.uscourts.gov). If one or more of the parties is not represented by counsel, the parties may file separate case management statements. If a party is unable, despite reasonable efforts, to obtain the cooperation of another party in the preparation of a joint statement, the complying party may file a separate case management statement, accompanied by a declaration describing the conduct of the uncooperative party which prevented the preparation of a joint statement. Separate statements must also address all of the topics set forth in the Standing Order referenced above.

2. **(b) Case Management Statement in Class Action.** Any party seeking to maintain a case as a class action must include in the Case Management Statement required by Civil L.R. 16-9(a) the following additional information:
1. **(1)** The specific paragraphs of Fed. R. Civ. P. 23 under which the action is maintainable as a class action;
  2. **(2)** A description of the class or classes in whose behalf the action is brought;
  3. **(3)** Facts showing that the party is entitled to maintain the action under Fed. R. Civ. P. 23(a) and (b); and
  4. **(4)** A proposed date for the Court to consider whether the case can be maintained as a class action.

**John W. Crittenden**

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